

October 18, 2007

Testimony of  
Robert M. Pestronk  
Health Officer  
Genesee County Health Department  
810-257-3588  
Pestronk@gchd.us

House Health Policy Committee  
Lansing, Michigan  
Representative Kathy Angerer, Chair

I speak in support of Senate Bill 593 which is a bill to amend 1978 PA 368 by amending the heading or part 131 and sections 13101 and 13102 (MCL 333.13101 and 333.13102), as added by 1996 PA 223, and by adding sections 13104, 13105, 13106, 13107, 13108, 13109, 13110, and 13111.

I speak in support of the bill from my perspective as a public health professional in Michigan and from my perspective as a health officer in Genesee County, Michigan, a County which adopted body art regulations in May 2001.

In addition, I encourage you, as members of the State legislature to adopt this bill because, as you know, Michigan's Constitution states in Article IV, section 51, that:

The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.

**From my perspective as a public health professional**, this bill would make suitable law to protect and promote the public's health.

- Body art is popular, easily accessible to the public, and especially attractive to younger people.
- The bill will promote safe business practices such as proper sterilization and cleaning of instruments
- The bill can prevent injuries since informed practitioners are less likely to cut through blood vessels or nerves leading to excessive bleeding and nerve damage or to produce scar tissue and cartilage damage that may result in the need for expensive medical treatment including correction through plastic surgery.
- The bill can prevent infections and transmission of blood-borne diseases like hepatitis B and C of those being decorated which may lead to chronic illness and or liver diseases including cirrhosis and liver failure.
- By preventing infections and transmission of diseases to those being decorated, the bill can prevent the transmission of disease to others, i.e., those who may come in contact with the blood of those decorated.

- People who practice body art will be trained prior to practice to make them familiar with disease control procedures. Education is a good thing.
- Before being decorated, among other things, customers will be fully informed about the practices to be used. They will also learn about care of the site, circumstances under which medical care should be sought after decoration, and of potential problems donating blood, among other things thereby helping them to make an informed decision.
- A record of practice, of those practicing, and of those decorated will be required all of which will assist in disease sleuthing should it become necessary to investigate an outbreak of disease.
- Minors would require a parent's informed consent and signature

**From my perspective as health officer in Genesee County,** I can share information following 6 years of practice licensing facilities in Genesee County. It was in May of 2001 that the County Board of Commissioners adopted regulations for body art facilities in Genesee County.

These regulations were adopted, in part, following requests from business owners in the County to be regulated. These requests were made in order to assure a common standard of practice, to establish a reasonable barrier to entry, to protect those being decorated, and to enhance the image of those subsequently licensed.

Now, we review plans for business prior to their construction and opening. We require a complete application, and perform inspections twice each year. We conduct any necessary follow-up inspections of each licensed business. Our staff is authorized to issue and serve appearance tickets. We respond to complaints about businesses licensed.

Ultimately, businesses which fail to comply with the terms of their license can, through typical administrative procedures, move through progressively severe steps up to and including removal or denial of license for failure to comply. Where facilities have been out of compliance during inspection, they have come into compliance at the time of the follow-up visit. Monetary and civil penalties have also been established and we are authorized to order closure where a serious health hazard exists. Each facility must post its license in a prominent and visible location.

In 2006, we inspected 23 fixed facilities, made 3 visits to sites under construction, 2 visits where ownership changed, and 2 opening inspections. We received 5 complaints and followed up on these, conducted 3 full and 1 remodeling plan reviews, worked with 11 new technicians and, since 2001, have trained 165 practitioners.

The County Board has established fees which cover the cost of conducting our business, including a tuition fee for our classes.

I am unaware of any disease outbreaks associated with body art businesses in Genesee County.

**There are other important issues.** This bill allows a local health department to establish fees to perform the functions described in the bill. This is especially critical since the fees collected by the State of Michigan are designed to support costs associated with the work of state officials. The full cost of any work conducted by local health departments, which is the "boots on the ground", face-to-face interface with facilities and practitioners must also be supported. In this era of shrinking governmental

resources, and with only a small percentage of Michigan's residents receiving these services, revenues from facilities must cover the full cost of doing business.

In addition, I would support an increase to at least \$500.00 for the fines in section 13109 with the possible exception of the fine for decorating a minor without parental consent which should be no less than \$1000.00.

I would be pleased to answer any questions if you wish to contact me.

